

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

RICHARD LEWIS BOEDIGHEIMER,

Plaintiff,

v.

SGT. DAVE OPEL, et al.,

Defendants.

Civ. No. 6:14-cv-01250-CL

OPINION AND ORDER

MCSHANE, Judge:

Plaintiff, who is incarcerated and proceeding *pro se*, brings this action seeking damages for alleged violation of the Fourth and Eighth Amendments under 42 U.S.C. § 1983.¹ Defendants filed a motion for summary judgment. Magistrate Judge Mark D. Clarke issued a Report and Recommendation on May 22, 2015, in which he recommended that this Court grant defendants' motion for summary judgment on all claims. The matter is now before this Court. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

Because no objections to the Report and Recommendation were timely filed, this Court reviews only the legal principles *de novo*. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also United States v. Bernhardt*, 840 F.2d 1441, 1445 (9th Cir. 1988). Upon review, this Court finds no error in Judge Clarke's Report and Recommendation, ECF No. 41.


¹ Plaintiff's claims arise out of an arrest that occurred on August 2, 2012. Following arrest, plaintiff was convicted by jury of Assaulting a Public Safety Officer, ORS § 163.208, Resisting Arrest, ORS § 162.315, and Disorderly Conduct in the Second Degree, ORS § 166.025. *See* Decl. of Gerald Warren 32–35, ECF No. 24-1.

CONCLUSION

This Court ADOPTS Judge Clarke's Report and Recommendation, ECF No. 41, in full. Defendants' motion for summary judgment, ECF No. 21, is GRANTED.

IT IS SO ORDERED.

DATED this 17 day of June, 2015.



Michael J. McShane
United States District Judge